



Notice of Intent to Certify Sole Source

To: Interested Parties
From: David C. Johnson
CC: ITS Project Number 45888
Date: November 17, 2020
Re: Sole Source Certification Number 4358 to provide Bentley Enterprise 365 Public Sector subscription for the Mississippi Department of Transportation (MDOT)
Contact Name: Alec Shedd
Contact Phone Number: 601-432-8162
Contact E-mail Address: Alec.Shedd@its.ms.gov

Sole Source Certification Award Details

Regarding Information Technology Services (ITS) Sole Source Certification Number 4358 for the Mississippi Department of Transportation (MDOT), please be advised that ITS intends to award Bentley Systems, Incorporated ("Bentley"), as the sole source provider of Bentley Enterprise 365 Public Sector (EPS365) subscription beginning January 1, 2021 through December 31, 2023, in an amount not to exceed \$3,913,026.00. If no objections are received, \$578,120.26 for the period of July 1, 2020 through December 31, 2020 will be included in this Sole Source Certification.

Please be advised that ITS will determine if additional licenses, subscription fees, upgrades, or support are within scope during the certification period and may increase the spending authority accordingly. Should Bentley change their name during this certification period, then ITS will determine if a recertification is necessary. For an explanation regarding Mississippi state law, policy and procedures for sole source procurements, refer to Attachment C: Sole Source Procurement Overview.

Sole Source Criteria

1. The product or services being purchased must perform a function for which no other product or source of services exist:

The Bentley Enterprise 365 Public Sector Subscription provides a comprehensive manufacturer software support program that covers the computer-aided design and engineering products that MDOT uses to plan, design, and maintain MDOT highway and bridge infrastructure in one package subscription. MDOT currently uses gINT for the Geotechnical branch, LeapBridge Concrete for designing bridges, OpenRoads Drainage and Utilities for subsurface utilities and designs, OpenBuildings Designer for architectural design, OpenRoads SignCad for

designing traffic signs, OpenRoads ConceptStation and Bentley LumenRT for creating media renderings, AssetWise for collecting and maintaining bridge inspection data, and OpenRoads Designer for planning and designing the remaining infrastructure. These products all integrate with each other for easy data exchange and project collaboration between engineers. The Bentley Enterprise 365 subscription is a 24/7/365 software support program and all of Bentley's design software is locally installed on MDOT servers and CADD desktops managed by MDOT's IT staff. The customer's sole source certification request is included as Attachment A.

2. The purchaser must be able to show specific business objectives that can be met only through the unique product or services:

Since the Bentley Enterprise 365 Subscription products integrate with each other, MDOT can plan, design, and maintain their infrastructure to ensure quality and safety in the most cost-effective manner. All of the Enterprise 365 products work within ProjectWise, which allows the separate MDOT Divisions to collaborate on projects. It also allows them to share standards and workspaces so that every project uses the defined MDOT standards and every engineer can easily access the up-to-date documents for every project. ProjectWise integrates with every Bentley product to ensure efficiency. Without ProjectWise, MDOT staff would have to be increased as all workspaces and drawings would be local to all CADD users. ProjectWise also allows consultants and contractors to collaborate with MDOT on ongoing projects and provide external users with the ability to perform online searches to MDOT plans, maps, and plats.

Without Bentley software, MDOT would be required to purchase various software from multiple vendors to allow for each engineering need. These softwares would not be compatible with each other which would decrease the engineering staff's ability to collaborate and integrate with each other's designs. All MDOT engineers would have to be completely re-trained on any new software, which would be extremely costly and time consuming. Additionally, MDOT's existing projects would have to be re-designed in a new software that would be very labor intensive and costly to MDOT, potentially causing all current construction projects to halt. The customer's sole source certification request is included as Attachment A.

3. The product or services must be available only from the manufacturer and not through resellers who could submit competitive pricing for the product or services:

Bentley is the sole source for the EPS 365 Subscription for MDOT. No other vendors can perform the specific functions required by MDOT. The Vendor's sole source certification letter is included as Attachment B.

Schedule

Task	Date
First Advertisement Date	11/17/20
Second Advertisement Date	11/24/20
Response Deadline From Objectors	12/03/20 at 3:00 P.M. Central Time
Notice of Award/No Award Posted	Not before 12/04/20

Project Details

MDOT has used Bentley products since the late 1980's. RFP Number 2770-32673 was issued in 2000 for a Bentley Select Contract. In December 2000, the ITS Board awarded the RFP to Bentley Systems, Inc. at a cost of \$1,504,480.00 for the continuation of Bentley Software beginning January 1, 2001. In August of 2015, ITS issued Sole Source Certification Number 3803 for three years of licensing and maintenance of InspectTech from Bentley. In April and May 2018, ITS issued Sole Source Certification Numbers 4086 and 4105 for the InspectTech licensing and maintenance renewal and additional items. ITS Issued Sole Source Certification Number 4210 in May 2019 for InspectTech customization services and received no objections. Bentley has now combined all of MDOT's software products into one agreement and subscription called Enterprise365. MDOT has made the business decision to continue its Bentley subscription. The total expenditure to date is estimated to be \$13,283,310.47.

Submission Instructions and Format of Response from Objecting Parties

Interested parties who have reason to believe that the EPS365 subscription should not be certified as a sole source should provide information in the following format for the state to use in determining whether or not to proceed with awarding the Sole Source contract to Bentley.

1.1 Interested Party Information

1.1.1 Contact Name, Phone Number and email address

1.1.2 Company Website URL, if applicable

1.2 Objection to Sole Source Certification

1.2.1 Interested parties must present specific objections to the Sole Source certification using the criteria listed above.

1.2.2 A statement regarding the Interested Party's capabilities as related to this Sole Source Certification Request.

1.3 Comments will be accepted at any time prior to Thursday, December 3, 2020, at 3:00 p.m. (Central Time) to Alec Shedd at Alec.Shedd@its.ms.gov or at the Mississippi Department of Information Technology Services, 3771 Eastwood Drive, Jackson, Mississippi 39211. Responses may be delivered by hand, via regular mail, overnight delivery, e-mail or by fax. Fax number is (601) 713-6380. ITS WILL NOT BE RESPONSIBLE FOR DELAYS IN THE DELIVERY OF RESPONSES. It is solely the responsibility of the Interested Parties that responses reach ITS on time. Interested Parties may contact Alec Shedd to verify the receipt of their Responses. Responses received after the deadline will be rejected.

1.4 Interested Party responses should include the following information:

**SUBMITTED IN RESPONSE TO
Sole Source Certification No. 4358-45888
Accepted until December 3, 2020 @ 3:00 p.m.,
ATTENTION: Alec Shedd**

If you have any questions concerning the information above or if we can be of further assistance, please contact Alec Shedd at 601-432-8162 or via email at Alec.Shedd@its.ms.gov.

Attachment A: Customer Sole Source Certification Request

Attachment B: Vendor Correspondence

Attachment C: Sole Source Procurement Overview



3771 Eastwood Drive
Jackson, Mississippi 39211
Phone 601-432-8000 Fax 601-713-6380

Sole Source Certification Request

Project Title: Bentley Renewal		Stimulus (ARRA) Funds? Yes <u>No</u> <u>X</u>	
Customer Contact Information			
Agency/Public University: MDOT Address: 401 North West Street, Jackson, MS 39201		Contact Person: Bo Dickerson Phone: 601-359-7483 Email Address: bdickerson@mdot.ms.gov	
MAGIC Customer Number (only required from state agencies): 7000000251		Division/Dept: Handmail: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Project Summary Narrative Description of Project (include details of original acquisition if applicable): Bentley has moved to a new offering that combines all of MDOT's Bentley products under what they now call an Enterprise 365 contract. MDOT's previous contract expired June 30, 2020 while MDOT and Bentley negotiated a new contract. MDOT will need to execute a new contract that starts January 1, 2021 and expires December 31, 2023 and cover the lapse period from July 1, 2020 – December 31, 2020.			
ITS Acquisition Approval (CP-1) should be effective through this date (Please allow time for all vendor invoices to be paid): 12/31/23			
Cost Estimates Fiscal Year	Initial Costs	Ongoing Costs	Time Constraints Item Needed by: 12/31/20 Funds Expire:
FY21	\$1,844,103.26		Anticipated Lifecycle of Products/System (i.e. estimated years of effective use): 3 years Discuss Funding (e.g. how much of needed funding is definite; total project budget; any matching or other non state funds). 100% special funds.
FY22		\$1,303,962.00	
FY23		\$1,343,081.00	
Total		\$4,491,146.26	
Acquisition Details			
Items Requested	Quantity	Description	Building Location(s)
Lapse Period Fees	4	Lapse Period Coverage	
EPS365 Subscription	1	3-Year Subscription	
Describe platform & infrastructure (connectivity; software/hardware platforms; utilization of State Data Center resources: mainframe, eGovernment portal, payment engine, document management, hosting). For equipment or hosting outside the State Data Center, attach justification: Software is locally installed and hosted by MDOT & ITS.			
Progress to Date: What has been done related to this project, including any communication with ITS staff (data/voice/procurement/other)? MDOT negotiated with Bentley.			
Sole Source Certification Note: Certification must be renewed for each revision or continuation of previous Sole Source Approvals.			
Specific business requirements to be met by the requested products or services: Since the Bentley Enterprise 365 Subscription products integrate with each other, MDOT can plan, design, and maintain their infrastructure to ensure quality and safety in the most cost-effective manner. All of the Enterprise 365 products work within ProjectWise, which allows the separate MDOT Divisions to collaborate on projects. It also allows them to share standards and workspaces so that every project uses the defined MDOT standards and every engineer can easily access the up-to-date documents for every project. ProjectWise integrates with every Bentley product to ensure efficiency. Without ProjectWise, MDOT staff would have to be increased as all workspaces and drawings would be local to all CADD users. ProjectWise also allows consultants and contractors to collaborate with MDOT on ongoing projects and provide external users with the ability to perform online searches to MDOT plans, maps, and plats.			
Without Bentley software, MDOT would be required to purchase various software from multiple vendors to allow for each engineering need. These softwares would not be compatible with each other which would decrease the engineering staff's ability to collaborate and integrate with each other's designs. All MDOT engineers would have to be completely re-trained on any new software, which would be extremely costly and time consuming. Additionally, MDOT's existing projects would have to be re-designed in a new software that would be very labor intensive and costly to MDOT, potentially causing all current construction projects to halt.			
Explain why these products or services are the only ones that can meet your needs (include unique features/special functionality): The Bentley Enterprise 365 Public Sector Subscription provides a comprehensive manufacturer software support program that covers the computer-aided design and engineering products that MDOT uses to plan, design, and maintain MDOT highway and bridge infrastructure in one package subscription. MDOT currently uses gINT for the Geotechnical branch, LeapBridge Concrete for designing bridges, OpenRoads Drainage and Utilities for subsurface utilities and designs, OpenBuildings Designer for architectural design, OpenRoads SignCad for designing traffic signs, OpenRoads ConceptStation and Bentley LumenRT for creating media renderings, AssetWise for collecting and maintaining bridge inspection data, and OpenRoads Designer for planning and designing the remaining infrastructure. These products all integrate with each other for easy data exchange and project collaboration between engineers. The Bentley Enterprise 365 subscription is a 24/7/365 software support program and all of Bentley's design software is locally installed on MDOT servers and CADD desktops managed by MDOT's IT staff.			
Explain why the source is the only entity that can provide the products or services (Include other products/vendors researched or evaluated): Bentley is the sole source for the EPS 365 Subscription for MDOT. No other vendors can perform the specific functions required by MDOT.			
Vendor's Certification of Sole Source attached: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Vendor's proposal submitted: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
MAGIC Vendor Code(s) Vendor must be in MAGIC before a CP-1 can be issued.			
Place Order To		Remit To	

Vendor Name: Bentley Systems, Incorporated

Vendor Name: Bentley Systems, Incorporated

Vendor Address: 4411 E. State Highway D, Suite F, Springfield, MO 65809 Vendor Address: 4411 E. State Highway D, Suite F, Springfield, MO 65809

By my signature, I certify that, to the best of my professional knowledge: the requested product or services are a sole source as outlined in the ITS Procurement Handbook, Rule 207.2:013-030 Procurement Types: Sole Source, and as outlined in Mississippi Code annotated Section 31-7-13. In addition, I acknowledge that there is a charge for ITS procurement services associated with this request which will be billed to the requestor by ITS and that my agency/public university is responsible for these charges/costs.

Melinda McGrath Executive Dir.
Name (Agency Head or Public University CIO)/Title


Signature

11-17-20
Date



BENTLEY SYSTEMS, INCORPORATED
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Exton, Pennsylvania 19341-1151
T +1 610-458-3000
F +1 610-458-2900

www.bentley.com

October 21, 2020

Mississippi Department of Transportation
401 N West St
Jackson, MS 39201
Attn: Bo Dickerson

Dear Mr. Dickerson:

Bentley Systems, Incorporated ("Bentley") is pleased to provide Mississippi Department of Transportation ("MSDOT") information about the proprietary nature of Bentley software.

Bentley supplies the MicroStation family of computer-aided design, engineering and manufacturing software. In conjunction with software, Bentley provides a comprehensive software support program through its Bentley Enterprise 365 Public Sector ("EPS 365") Subscription.

Software and documentation developed at Bentley's expense are proprietary and confidential. Bentley shall be considered the prime contractor and shall assume the responsibility for maintenance of all Bentley supplied software.

Bentley is the sole source for the EPS 365 Subscription for MSDOT. No other vendors can perform the specific functions required by MSDOT.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mariel Quigley".

Mariel Quigley
Paralegal
Bentley Systems, Incorporated

Attachment C

The acquisition of information technology for all state agencies and institutions of higher learning (IHLs) is within the scope of the ITS law, found in Mississippi Code Section 25-53-1, et seq., and the policies and procedures established in accordance with this statute, found in the ITS Procurement Handbook posted on the ITS website (www.its.ms.gov).

ITS enabling legislation requires that information technology hardware, software and services be acquired in a manner that insures the maximum of competition among all manufacturers and suppliers of such equipment and services. Accordingly, ITS promotes full and open competition through the issuance of open specifications and the objective evaluation of Interested Party proposals to determine the lowest and best offering to meet an agency's or public university's business requirements. True competition protects the integrity and credibility of purchasing in the public sector and is essential in providing best value and adequate contractual protection for the purchasing entity. In certain limited situations, information technology acquisitions may be sole-sourced.

ITS utilizes the provisions of Public Purchasing Law for Sole Source and Emergency procurements of information technology. Mississippi Public Purchasing Law (Mississippi Code Section 31-7-13) specifies that noncompetitive items available from one source only be exempted from bid requirements (sole-sourced). ITS statute, in Section 25-53-5 (p), permits ITS to utilize provisions in Public Purchasing Law or regulations, when applicable.

Per Public Purchasing law, acquisitions must meet the following criteria to be authorized as sole source:

1. The product or services being purchased must perform a function for which no other product or source of services exists,
2. The purchaser must be able to show specific business objectives that can be met only through the unique product or services, AND
3. The product or services must be available only from the manufacturer and NOT through resellers who could submit competitive pricing for the product or services. The vendor's correspondence regarding this criterion for this project is included as Attachment B.

By policy as documented in the ITS Procurement Handbook, acquisitions of IT services must include the following information to be authorized as sole source:

1. An explanation about why the amount to be expended is reasonable, and
2. An explanation regarding the efforts by the purchaser to obtain the best possible price.

For state agencies, approval of all technology purchases with a lifecycle cost of \$5,000 or less, including sole source purchases, has been delegated to the agency. The ITS Procurement Limits Policies for Agencies (a section in the ITS Procurement Handbook) require a minimum of two competitive written bids or proposals for technology purchases with a lifecycle cost over \$5,000 but not over \$50,000 (not over \$25,000 for projects funded by the American Recovery and Reinvestment Act). Since, for single source items, the procuring agency will be unable to obtain two written bids, ITS must certify all sole source acquisitions of information technology with a lifecycle cost greater than \$5,000.

Institutions of Higher Learning (IHLs) or public universities have been delegated the authority to certify sole source procurements up to \$250,000 lifecycle cost under the ITS Procurement Limits Policies for IHLs (a section in the ITS Procurement Handbook). For the certification of sole source procurements delegated to the CIOs at public universities, the public university must follow ITS' Sole Source Procedure, including advertisement of the intent to award as sole source. Institutions certifying a sole source purchase must ensure the criteria listed above are met and documented in writing by the institution and the Interested Party prior to certifying a product or service as sole source. Sole source documentation must be reviewed and approved by the IHL's CIO for any sole-source certification

above \$5,000. All sole source documentation should be retained in the public university's procurement file. Sole source requests above \$250,000 lifecycle cost require ITS approval.

Other than the delegations outlined above, all sole source technology procurements must be certified by ITS. The customer's Sole Source Certification Request for this project is included as Attachment A.

ITS thoroughly reviews Sole Source Certification Requests, determining if competing products and/or services exist. If so, ITS conducts a competitive procurement. If ITS' review confirms the sole source, then a Sole Source advertisement is issued, giving other Interested Parties an opportunity to identify competing products and/or services. Based upon the results of the Sole Source advertisement, ITS will either certify the request as a sole source or conduct a competitive procurement.